

EXAMINER'S AMENDMENT / COMMENT

Applicant's arguments filed 5/17/2011 have been considered and are persuasive. Particularly, none of the cited prior art discloses determining two separate sleep disordered breathing events and using the presence of one to set an inspiratory pressure and the presence of the other to set an expiratory pressure (i.e., all of the cited prior art determines the presence of a single event for controlling the blower, and even though several indices can be used to determine the severity of the event, severity of a single event does not equal determining the presence of two separate events for setting the various pressures as in the instant invention).

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Lewin on 5/19/2011.

The application has been amended as follows:

In claim 31, line 1, "Claim 20" has been changed to --claim 19--.

In claim 32, line 1, "Claim 21" has been changed to --claim 19--.

In claim 40, line 1, "Claim 39" has been changed to --claim 34--.

In claim 62, line 1, "Claim 51" has been changed to --claim 50--.

In claim 63, line 1, "Claim 52" has been changed to --claim 50--.

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In claim 71, line 1, "Claim 70" has been changed to --claim 65--.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose the combination of limitations found in independent claims 19, 34, 50, and 65, particularly including a CPAP apparatus having a controller that determines the presence of two distinct sleep disordered breathing events based on separate characteristics of pressure and/or flow signals, the first event being an apnea, hypoapnea, or snore and the second event being characterized by flow flattening/limitation, wherein a first pressure is set during the expiration phase as a function of the occurrence of the first event and a second pressure is set during the inspiratory phase as a function of the occurrence of the second event.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTEN MATTER whose telephone number is (571)272-5270. The examiner can normally be reached on Monday - Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kristen C. Matter/
Primary Examiner, Art Unit 3771